



1953.

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O/ Food Grains (R & M&S) /53

File No.

83/53

Legal Department

G.

BRANCH

Subject:—

Opinions regarding the

Bombay Foodgrains (Regulation of Movement and Sale) Order, 1949.

O. Food grains (R & M&S) /53

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Opinions under the Bombay Foodgrains

(Regulation of Movement & Sale)

Order, 1949.

1.) O. No. G-486/3-8-53.

Re: Prosecution for breach of
Whether sale of Muddamal
will adversely affect the
prosecution case.

1-6.

1.

L. T. F. No. 2-629, dt.
22-6-53.

Submitted.

2. Please see the office note of the C.S.D. on pages 19/24 ante.

3. The facts of this case, in short, are as follows :-

On 11-6-1953 at about 8 O'clock in the morning, the Circle Inspector, Solani found a cartman taking 4 bags of paddy in his cart from Manjri village (Rahuri Taluka) to Lonai (Newasa Taluka) without a permit. One, Shri H.B. Kavade was following the cart. The cart was stopped by the Circle Inspector when it passed the Government Godown at Manjri (Rahuri Taluka) and had also crossed the Mulla river. The Circle Inspector attached the stock under a panchnama and handed it over to the Police of Manjri. The cartman stated before the panchas that the paddy belonged to Shri Kavade. However, before the Circle Inspector he made a statement that the paddy belonged to Shri Keshav B. Gavade and that he had taken the cart to the river for watering his bullocks. Shri Kavade sent the cartman to his father-in-law Shri Dhanudas H. Gavade at Pathare Khurd (Rahuri taluka) for obtaining a foodgrain chalan (movement permit). He managed to get the required chalan in favour of Shri Keshav

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Bhanudas Gawade and produced it before the Circle. Inspector. The Circle Inspector however, attached the chalan also and sent the case to Mamlatdar, Rahuri for taking further action.

Shri Keshav stated before the Mamlatdar that he had sent the 4 bags of paddy in the cart for being credited into the Manjri godown against the levy demand of 116 bags out of which 65 bags had already been given by him in the

godown. He further stated that he could not obtain a permit for movement of the 4 bags from Chardapur to Manjri from the Talathi in the

morning as the latter had gone to the Khudseer village. The Talathi admitted that he had been to Khudseer villave in the morning of 11-6-1950.

Shri Keshav produced V.F. VII/XII showing that he had sown paddy at Bhadapur. In view of the above

circumstances the Mamlatdar of Rahuri taluka

recommended to the D.M., that Shri Keshav Gawade

had no intention to take the ~~116~~ bags of paddy out

of the Rahuri taluka. The D.G.P. was requested

by the D.M., to opine whether a prosecution for

removing paddy without a permit could succeed

against Shri Gawade. The D.G.P. opined in the

negative. Therefore the paddy was sold in the

Government godown and the payment was made to Shri

Keshav Gawade. One Shri Manta T.Jadhav complained

to the Chief Minister that the case against Shri

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Keshav Gavade had been hushed up although he had removed the four bags of paddy in a truck from Rahuri taluka to Newasa taluka without a permit. The Government in C.S.D. after perusing the inquiry papers of the case, asked the D.M., to make further inquiries in the matter to find out whether Shri Keshav Gavade had actually made an attempt to transport the bags from one taluka to another without a permit. In accordance with these orders, the Mamlatdar of Rahuri held a further inquiry and recorded the statements of the Circle Inspector, Police Patil and the panchas. These statements revealed that the cart had crossed the Manjri godown and also the revenue limits of Manjri village; that it had been stopped by the Circle Inspector in the bed of the Mulla river at about 8 a.m. while passing along the road leading to Sonai village (Newasa taluka) and that the cart had not been unyoked by the cartman for watering the bullocks then it had been noticed by the Circle Inspector. The D.G.P.'s opinion was again sought. He opined that from the facts revealed in the further inquiry, a prosecution could be successfully launched against Shri Keshav Gavade for removal of the paddy without a permit. The C.S.D. proposes to ask the D.M. to launch the prosecution against Shri Keshav. Before, however, doing so the C.S.D. has requested the R.L.A. to

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advise whether in absence of muddamal, the prosecution which is being launched after 3 years of transport of a small quantity of paddy, will succeed.

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7/8-

Legal Department.

The work of the Legal Department will not adversely affect the prosecution case. The documents, the evidence of witnesses and the evidence of the work of the government register etc. will be sufficient to prove that the work was removed with-
out a proper order (1955)

Sy/-

S/o Secretary to Government.

U.R. to C.S.F., No. 6-456, dated the 3rd
August 1955.

RM

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